

Prob12B  
(7/93)

**United States District Court  
for the Northern District of New York**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Alexander Panek

Case Number: 5:97CR00446-001

Name of Sentencing Judicial Officer: Honorable Frederick J. Scullin, Jr., Senior U.S. District Judge

Date of Original Sentence: June 7, 2000, (Re-sentenced on November 13, 2003)

Original Offense: Conspiracy to Possess with Intent to Distribute and to Distribute Marijuana, 21 U.S.C. § 846, Conspiracy to Launder Monetary Instruments, 18 U.S.C. § 1956(h)

Original Sentence: 151 months imprisonment, 8 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 6/8/09

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**PETITIONING THE COURT**

- ☐ To extend the term of supervision for years, for a total term of years.  
☒ To modify the conditions of supervision as follows:

1. You shall submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

**CAUSE**

According to the government, Panek oversaw the operation of his marijuana distribution network which involved 9 other individuals, \$2,000,000 in United States currency and the distribution of at least 2,800 pounds of marijuana. Panek also assisted another co-defendant by providing large sums of money to start businesses in order to launder money. Members of the conspiracy utilized several vehicles to aid in the distribution of marijuana including a motor home and an airplane. The defendant and his co-conspirators used violence or the threat of violence to further their distribution enterprise and to influence individuals who were possible government informants.

In considering the extensive nature of the conspiracy and the operation it took to maintain the enterprise, the probation office believes it necessary to have available all tools to effectively supervise this defendant and help ensure the safety of the community. Based on the defendant's active role in the offense, and the magnitude and seriousness of the offense itself, a modification to add the authorization for a search is necessary.

Panek is agreeable with this modification and he signed Probation Form 49: Waiver for a Modification Hearing. If the Court agrees to the proposed modification, Probation Form 12B and Probation Form 49 will need to be filed with the Clerk's Office. Therefore, with exception to the recommended modification, no further action is requested at this time.

Prob 12B

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Request for Modifying the  
Conditions or Terms of Supervision  
with Consent of the Offender

Respectfully submitted,

MATTHEW L. BROWN  
Chief U.S. Probation Officer

Approved by: Lori Albright  
LORI ALBRIGHT  
Supervising U.S. Probation Officer

by: Mark Walker  
MARK WALKER  
Senior U.S. Probation Officer  
Date: 7/15/2009

**THE COURT ORDERS**

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other

J. Sullivan  
Signature of Judicial Officer

7/20/09  
Date

PROB 49  
NNYrev.9/02

Waiver of Hearing to Modify Conditions  
of Supervised Release or Extend Term of Supervision

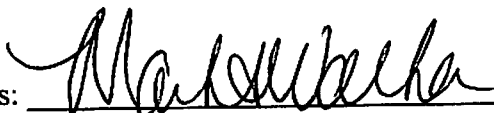
**UNITED STATES DISTRICT COURT**  
**for the**  
**NORTHERN DISTRICT OF NEW YORK**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. **I am fully aware this is only a proposal to the Court to address the alleged violation(s) and it is in no way binding upon the Court. The Court has the discretion to order a hearing which could result in a different sanction being imposed.** I agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

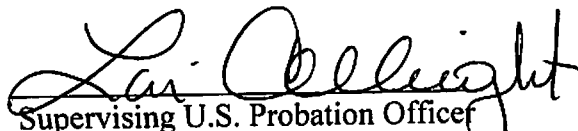
1. You shall submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

Witness:

  
Senior U.S. Probation Officer

Signed:

  
Alexander Panek  
Supervised Releasee

  
Supervising U.S. Probation Officer

6-16-09  
Date